



IFW

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Leder, P. et al.

Application No: 10/613,762

Filed: July 3, 2003

For: Compounds Regulating Cell
Proliferation and Differentiation

Examiner: Not Yet Assigned

Art Unit: 1742

Attorney Docket No.: HMV-060.01

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail, postage prepaid, in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria VA 22313-1450 on October 5, 2004.


Brett Clemens

INFORMATION DISCLOSURE STATEMENT
UNDER 37 CFR §1.97(b)(3)

Mail Stop Amendment
Commissioner for Patents
Box 1450
Alexandria VA 22313-1450

Sir:

Submitted herewith on Form PTO-1449 is a listing of documents known to Applicants and/or their attorney in compliance with the requirements of 37 C.F.R. §§ 1.56 and 1.97. Copies of US Patents and US Published Patent Applications are not required because the instant application was filed after June 30, 2003. Copies of the remaining documents are submitted herewith. Applicants respectfully request that the Examiner consider the listed documents and indicate that each was considered by making appropriate notations on the attached Form PTO-1449.

This Information Disclosure Statement is being submitted before the mailing date of a first action on the merits; therefore, no fee is due. Nevertheless, the Commissioner is authorized to charge any required fee to our Deposit Account, No. 06-1448.

This submission does not represent that a search has been made or that no better art exists. See 37 C.F.R. § 1.97(g). Nor does it constitute an admission that the listed documents are

material or constitute "prior art." See 37 C.F.R. § 1.97(h). If the Examiner applies the cited documents as prior art against any claim in this application or related application and Applicants determine that the listed documents do not constitute "prior art" under United States law, Applicants reserve the right to present to the Office the relevant facts and law regarding the appropriate status of said documents.

Applicants further reserve the right to take appropriate action to establish the patentability of claims over the listed documents, should the cited documents be applied against the claims of the present application or related applications.

Date: October 5, 2004

Customer No: 25181
Patent Group
Foley Hoag LLP
155 Seaport Boulevard
Boston, MA 02210-2600
Tel. (617) 832-1000
Fax. (617) 832-7000

Respectfully Submitted,



Dana M. Gordon, Ph.D.
Reg. No. 44,719
Attorney for Applicant

Form PTO-1429 INFORMATION DISCLOSURE CITATION FOR A PRIORITY APPLICATION (Use several sheets if necessary) OCT 07 2004 PATENT & TRADEMARK OFFICE	Docket Number (Optional) HMV-060.01	Application Number 10/613,762
	Applicant Leder et al.	
	Filing Date July 3, 2003	Group Art Unit 1742

U.S. PATENT DOCUMENTS

	DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
AA	5,834,504	11/10/98	Tang et al.	514	418	06/05/96
AB	5,880,141	03/09/99	Tang et al.	514	339	06/07/95
AC	5,883,113	03/16/99	Tang et al.	514	418	06/05/96
AD	5,883,116	03/16/99	Tang et al.	514	418	06/05/96
AE	5,886,020	03/23/99	Tang et al.	514	418	06/05/96
AF	6,051,593	04/18/00	Tang et al.	514	397	06/19/98
AG	6,114,371	09/05/00	Tang et al.	514	414	11/12/98
AH	6,130,238	10/10/00	Tang et al.	514	414	06/19/98
AI	6,147,106	11/14/00	Tang et al.	514	414	08/20/97

FOREIGN PATENT DOCUMENTS

	DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	Translation	
						YES	NO

OTHER DOCUMENTS

(Including Author, Title, Date, Pertinent Pages Etc.)

AJ	Summerhayes, T.J. et al., <i>Unusual Retention of Rhodamine 123 By Mitochondria In Muscle and Carcinoma Cells</i> , Proc. Acad. Sci. USA, Vol. 79, pp. 5292-5296, Sept. 1982.
AK	Bernal, S.D. et al., <i>Rhodamine-123 Selectively Reduces Clonal Growth of Carcinoma Cells In Vitro</i> , Science 1982 December, 218(4577): pp. 1117-9.
AL	Bernal, S.D. et al., <i>Anticarcinoma Activity in Vivo Of Rhodamine 123, a mitochondrial-Specific Dye</i> , Science 1983 October, 222(4620): pp. 169-72.
AM	Lampidis, T.J. et al., <i>Selective Killing Of Carcinoma Cells «In Vitro» By Lipophilic-Cationic Compounds" A Cellular Basis</i> , Biomedicine & Pharmacotherapy, 1985, 39, 220-226.
AN	Lampidis, T.J., et al., <i>Effects of the Mitochondrial Probe Rhodamine 123 and Related Analogs on the Function and Viability of Pulsating Myocardial Cells in Culture</i> , Agents Actions 1984 June; 14(5-6): 751-7.
AO	Nadakavukaren, K.K. et al., <i>Increased Rhodamine 123 Uptake by Carcinoma Cells</i> , Cancer Research 45, 6093-6099, December 1985.

EXAMINER

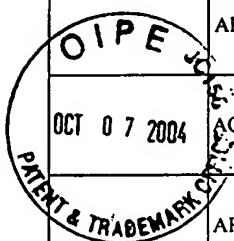
DATE CONSIDERED

EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP § 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to the applicant.

Form PTO-1449

**INFORMATION DISCLOSURE CITATION
IN AN APPLICATION**

(Use several sheets if necessary)

Docket Number (Optional)
HMV-060.01Application Number
10/613,762Applicant
Leder et al.Filing Date
July 3, 2003Group Art Unit
1742

AP	Davis, S. et al., <i>Mitochondrial and Plasma Membrane Potentials Cause Unusual Accumulation and Retention of Rhodamine 123 by Human Breast Adenocarcinoma-derived MCF-7 Cells</i> , The Journal of Biological Chemistry, Vol. 260, No. 25, November 1985, pp. 13844-13850.
AQ	Modica-Napolitano, J.S. et al., <i>Mitochondrial Toxicity of Cationic Photosensitizers for Photochemotherapy</i> , Cancer Research 50, pp. 7876-7881, December 1990.
AR	Levitzki, A. et al., <i>Tyrosine Kinase Inhibition: An Approach to Drug Development</i> , Science, Vol. 267, March 1995, pp. 1782-88.
AS	Arteaga, C.L. et al., <i>Unliganded Epidermal Growth Factor Receptor Dimerization Induced by Direct Interaction of Quinazolines with the ATP Binding Site</i> , The Journal of Biological Chemistry, Vol. 272, No. 37, September 1997, pp. 23247-23254.
AT	Modica-Napolitano, J.S. et al., <i>Photoactivation Enhances the Mitochondrial Toxicity of the Cationic Rhodacyanine MKT-077</i> , Cancer Research 58, pp. 71-75, January 1998.
AU	Fry, D. et al., <i>Specific, irreversible inactivation of the Epidermal Growth Factor Receptor and erbB2, By A New Class of Tyrosine Kinase Inhibitor</i> , Proc. Natl. Acad. Sci., Vol. 95, pp. 12022-12027, September 1998.
AV	Hung, M. et al., <i>Basic Science of HER-2/neu: A Review</i> , Seminars in Oncology, Vol. 26, No. 24, Suppl. 12, August 1999, pp. 51-59.
AW	Albanell, J. et al., <i>The ErbB Receptors as Targets for Breast Cancer Therapy</i> , Journal of Mammary Gland Biology and Neoplasia, Vol. 4, No. 4, 1999, 337-351.
AX	Lenferink, A. et al., <i>Blockade of the Epidermal Growth Factor Receptor Tyrosine Kinase Suppresses Tumorigenesis in MMTV/Neu + MMTV/TGF-α Bigenic Mice</i> , PNAS, August 2000, Vol 97, No. 17, pp. 9609-9614.
AY	Duman, Jacques, <i>Protein Kinase Inhibitors: Emerging Pharmacophores 1997-2000</i> , Exp. Opin. Ther. Patents (2001) 11(3): 405-429.
AZ	International Search Report for PCT/US02/00307 mailed on October 15, 2002.

EXAMINER

DATE CONSIDERED

EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP § 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to the applicant.